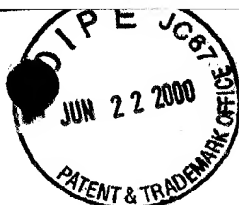


NIXON PEABODY LLP  
101 Federal Street  
Boston, Massachusetts 02110



Attorney Docket No. 47483-C

Page 1 of 4

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed at 201) below or an original, first and joint inventor (if plural names are listed at 201-208 below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A METHOD OF DETECTION OF ALTERATIONS IN MSH5

which is described and claimed in:

- ☐ the specification attached hereto.
- ☒ the specification in U.S. Application Serial Number 60/ 051,686 filed on July 3, 1997; and
- ☒ the specification in PCT international application Number PCT/ US98/ 13850, filed on July 2, 1998; and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign/PCT Applications and Any Priority Claims Under 35 U.S.C. §119:			
Application No.	Filing Date	Country	Priority Claimed Under 35 U.S.C. §119?
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**Prior U.S. Applications or PCT International Applications Designating the U.S.-Benefit  
Under 35 U.S.C. §120**

U.S. Applications		Status (Check One)		
Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned
PCT Applications Designating the U.S.				
Application No.	Filing Date	U.S. Serial No. Assigned		
PCT/US98/13850	July 2, 1998		X	

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Applicant	Provisional Application Number	Filing Date
R. Kolodner and N. Winand	60/ 051,686	July 3, 1997

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Ronald I. Eisenstein (Reg. No. 30,628)  
 Jeffrey B. Arnold (Reg. No. 39,540)  
 Lisa A. Dolak (Reg. No. 35,491)  
 Edwin V. Merkel (Reg. No. 40,087)

David S. Resnick (Reg. No. 34,235)  
 Georgia Caton (Reg. No. P-44,957)  
 William T. French (Reg. No. 16,297)

Michael L. Goldman (Reg. No. 30,727)  
 Dennis M. Connolly (Reg. No. 40,964)  
 Gunnar G. Leinberg (Reg. No. 35,584)

<b>SEND CORRESPONDENCE TO:</b> Ronald I. Eisenstein NIXON PEABODY LLP 101 Federal Street Boston, Massachusetts 02110	<b>DIRECT TELEPHONE CALLS TO:</b>  Ronald I. Eisenstein (617) 345-6054
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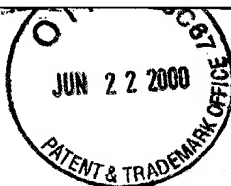
2 0 1	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		<b>KOLODNER</b>	<b>Richard</b>	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		<b>San Diego</b>	<b>California</b>	<b>USA</b>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		<b>13468 Kibbings Road</b>	<b>San Diego</b>	<b>California 92130</b>

2 0 2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		<b>WINAND</b>	<b>Nena</b>	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		<b>Freeville</b>	<b>New York</b>	<b>USA</b>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		<b>1 Foothill Road</b>	<b>Freeville</b>	<b>New York 13068</b>

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor 201	Date:
Signature of Inventor 202 <i>Nena J. Winand</i>	Date: <i>1-14-2000</i>

NIXON PEABODY LLP  
101 Federal Street  
Boston, Massachusetts 02110



Attorney Pocket No. 47483-C

Page 1 of 4

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U.S. Applications		Status (Check One)		
Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned
PCT Applications Designating the U.S.				
Application No.	Filing Date	U.S. Serial No. Assigned		
PCT/US98/13850	July 2, 1998		X	

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(35 U.S.C. §119(e))

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Applicant	Provisional Application Number	Filing Date
R. Kolodner and N. Winand	60/ 051,686	July 3, 1997

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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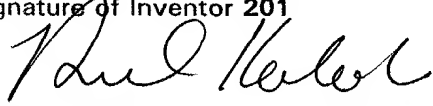
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<b>SEND CORRESPONDENCE TO:</b> Ronald I. Eisenstein NIXON PEABODY LLP 101 Federal Street Boston, Massachusetts 02110	<b>DIRECT TELEPHONE CALLS TO:</b>  Ronald I. Eisenstein (617) 345-6054
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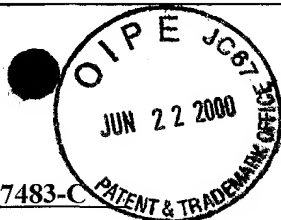
2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>KOLODNER</b>	FIRST NAME <b>Richard</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>San Diego</b>	STATE OR FOREIGN COUNTRY <b>California</b>	COUNTRY OF CITIZENSHIP <b>USA</b>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>13468 Kibbings Road</b>	CITY <b>San Diego</b>	STATE OR COUNTRY AND ZIP CODE <b>California 92130</b>

2 0 2	FULL NAME OF INVENTOR	LAST NAME <b>WINAND</b>	FIRST NAME <b>Nena</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>Freeville</b>	STATE OR FOREIGN COUNTRY <b>New York</b>	COUNTRY OF CITIZENSHIP <b>USA</b>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>1 Foothill Road</b>	CITY <b>Freeville</b>	STATE OR COUNTRY AND ZIP CODE <b>New York 13068</b>

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor 201 	Date: <b>1/18/2000</b>
Signature of Inventor 202	Date:

Practitioner's Docket No. 47483-C



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: R. Kolodner and N. Winand  
Serial No.:  
Filed on: December 22, 1999  
Title: A METHOD OF DETECTION OF ALTERATIONS IN MSH5

Sir:

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b))--NONPROFIT ORGANIZATION

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Nonprofit Organization Dana-Farber Cancer Institute, Inc.  
Address of Nonprofit Organization 44 Binney Street, Boston, Massachusetts 02115

TYPE OF NONPROFIT ORGANIZATION

- ☐ University or Other Institution of Higher Education  
☒ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501 (c)(3))  
☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)  
☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)), if Located in the United States of America  
☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America if Located in the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, with regard to the invention described in

- ☐ the specification filed herewith, with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to, and remain with, the nonprofit organization, with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c), if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e)

*\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27).*

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.  
☐ Each such person, concern or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

*(check the following item, if desired)*

*NOTE: The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.*

*NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR 1.4(d)(2).*

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing	<u>Pamela D. Ariniello</u>
Title in Organization	<u>Patent Counsel</u>
Address of Person Signing	<u>Dana-Farber Cancer Institute, Inc.</u>
	<u>44 Binney Street, Boston, MA 02115</u>

SIGNATURE

Pamela D. Ariniello

Date

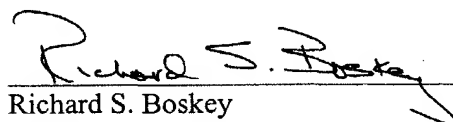
1/18/00

Dana-Farber Cancer Institute, Inc.  
Certificate of Corporate Authority

I, Richard S. Boskey, Assistant Secretary of Dana-Farber Cancer Institute, Inc., a Massachusetts not-for-profit corporation with its usual place of business at 44 Binney Street in Boston, Massachusetts (the "Corporation"), hereby certify that Pamela D. Ariniello, acting in her capacity as Patent Counsel (Acting) of the Corporation, is authorized to act on behalf of and bind the Corporation as to the matters specified below:

Intellectual Property Management Agreements  
Confidential Disclosure Agreements  
Copyright, Patent and Trademark Applications and Related Documents  
Material Transfer Agreements

Executed this 8<sup>th</sup> day of February, 2000.

  
Richard S. Boskey  
Assistant Secretary  
Dana-Farber Cancer Institute, Inc.